

July 24, 2014



**Talbot County Planning Commission**  
**Final Decision Summary**

Wednesday, June 4, 2014 at 9:00 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

**Attendance:**

Commission Members:

Thomas Hughes  
William Boicourt  
Michael Sullivan  
Paul Spies  
Jack Fischer

Staff:

Sandy Coyman, Planning Officer  
Mary Kay Verdery, Assistant Planning Officer  
Brett Ewing, Planner I  
Martin Sokolich, Long Range Planner  
Carole Sellman, Recording Secretary

**1. Call to Order**—Commissioner Hughes called the meeting to order at 9:00 a.m.

**2. Decision Summary Review**—May 7, 2014—The Commission noted the following corrections to the draft decision summary:

- a. Line 108, change “was” to “were”.

Commissioner Spies moved to approve the draft Planning Commission Decision Summary for May 7, 2014, as amended; Commissioner Sullivan seconded the motion. The motion carried unanimously.

**3. Old Business**

None.

**4. New Business**

- a. MEBA Training Plan Trust/Altus Power Management, LLC, #546—27050 St. Michaels Road, Easton, MD 21601, (map 33, grid 15, parcel 49, zoned Rural Conservation/Western Rural Conservation), Ryan Showalter, Attorney/Rick Van Emburgh, Lane Engineering, LLC, Agent.

Mr. Ewing presented the staff report for a two part motion. The applicant is requesting a special exception recommendation to the Board of Appeals and also a major site plan. They are constructing a utility structure consisting of a photovoltaic solar array, panels, associated inverters/equipment and drive access totaling 3.19 acres of new lot coverage onsite.

Staff recommendations for Altus Power Management, LLC, major site plan, include:

1. The applicant shall obtain special exception approval from the Talbot County Board of Appeals prior to major site plan approval.
2. The applicant shall address all of the issues mentioned in the staff report dated May 27, 2014 and the Technical Advisory Committee's (TAC) comments enclosed. TAC met with the applicant on May 14, 2014.
3. The applicant shall make an application to and follow all of the rules, procedures, and construction timelines as outlined by the Planning and Permits Department regarding new construction.
4. The applicant shall commence construction on the proposed project within one (1) year from the date of the major site plan "Notice to Proceed".

Staff recommendations for Altus Power Management, LLC, special exception, include:

1. The applicant shall obtain major site plan approval.
2. The applicant shall commence construction on the proposed improvements within eighteen (18) months from the date of the Board of Appeals approval.
3. The applicant shall make applications to and follow all of the rules, procedures, and construction timelines as outlined by the Planning and Permits Department regarding new construction.
4. The applicant shall certify the panel will not produce glare that will adversely affect vehicular traffic on Route 33.

Ryan Showalter and Rick Van Emburgh appeared on behalf of their clients, MEBA Training Plan, Altus Power Management and M.E.B.A Solar I, LLC. MEBA Training Plan owns the site, the other entities are the developer, owner and operator of the solar system. The site consists of a vacant agricultural field. The project will convert approximately eight acres from agriculture to permanent low maintenance vegetative cover. The total lot coverage will be approximately 3.19 acres, of diagonally installed, slanted solar panels. There is a new gravel drive extending south from the existing drive, and at the end of the drive there will be inverters and transformers. A critical area buffer management plan equal to the new lot coverage shall include planting of approximately three acres within the shoreline buffer.

Technical Advisory Committee comments required street trees, plantings, and the neighbors requested additional landscape screening. Mr. Showalter presented the Commission with a proposed plan of those items.

Commissioner Hughes expressed concerns regarding collector glare affecting drivers. Mr. Showalter stated that traffic would be exposed to the panels' backs. The panels have a special coating to absorb rather than reflect sunlight. Mr. Hughes asked about the scaffold that holds the panels. Mr. Showalter stated that the panel racks are galvanized steel and would not be any more reflective than the fence around it. Mr. Ewing stated that one of the Technical Advisory Committee

100 comments was that applicant provide a professional certification that glare would  
101 not affect nearby traffic on MD 33. Commissioner Hughes asked what happens if  
102 after all that there is still a problem. Mr. Ewing stated if there was a complaint it  
103 would be inspected and applicant would have to resolve the issue. Mr. Showalter  
104 stated they could put privacy screening in the fence.  
105

106 Commissioner Hughes expressed concern that the Comprehensive Plan is silent  
107 on solar power issues. The Commission must ensure that all applications are  
108 consistent with the comprehensive plan.  
109

110 Mr. Showalter stated he agrees the comprehensive plan does not specifically  
111 address renewable energy. It does call for the County to actively support Talbot  
112 County businesses. This will generate approximately 50% of the energy of the  
113 campus and they have a contract power purchase agreement with the provider so  
114 the power will be paid at a fixed electric rate. The plan establishes community  
115 design policies, such as screening. It also states clean and green businesses are  
116 desired. Altus is a fund based in Connecticut which would spend in excess of \$5  
117 or \$6 million to create what is essentially a power plant with no negative impacts.  
118 Mr. Showalter stated he had a discussion with the Critical Area Commission and  
119 their question was if the energy generated was to be used for the benefit of  
120 Choptank or MEBA, and the distinction was if it was an existing institutional use  
121 and they are offsetting their power load it is acceptable.  
122

123 Commissioner Fischer stated he believed it would be a good use of the land, and  
124 Commissioner Boicourt agreed. Commissioner Sullivan questioned if additional  
125 mitigation would be needed to address stormwater. Mr. Showalter stated there  
126 will be twelve feet of sloped surface area, only about eighteen inches off the  
127 ground at its lowest point. When rain hits the ground it has about twelve feet until  
128 the next panel, and the entire surface underneath is established in turf. The client  
129 has found it is better to use this slow growing turf than gravel because you get  
130 more infiltration and fewer maintenance issues.  
131

132 Commission Hughes asked for public comments; none were offered.  
133

134 Commissioner Boicourt moved to make a positive recommendation to the Board  
135 of Appeals to approve the special exception, with all staff conditions being  
136 complied with. The Commission discussed the benefits of a renewable energy  
137 project versus the existing agricultural use. The Commission requires a finding  
138 from the County Attorney stating that it is acceptable for the Planning  
139 Commission to approve this use as consistent with the comprehensive plan, even  
140 though it is silent on the subject. Commissioner Spies seconded. The motion  
141 carried unanimously.  
142

143 Commissioner Boicourt recommended approval of the site plan for photovoltaic  
144 solar array, with staff conditions being complied with, with all Technical

Advisory Committee comments and screening issues being met, specific attention to glare, seconded by Commissioner Sullivan. The motion carried unanimously.

- b. Barbara Bender, #L1192—Matthewstown Road, Easton, MD 21601 (map 26, grid 12, parcels 69 & 163, zoned Agricultural Conservation), Chris Waters, Waters Professional Land Surveying, Agent.

Brett Ewing presented the staff report for a preliminary plan review for a major revision to relocate and enlarge tax parcel 163.

Staff recommendations include:

1. Address the May 14, 2014 Technical Advisory Committee comments of Planning and Permits, Department of Public Works, Environmental Health Department, Talbot Soil Conservation District and the Environmental Planner prior to final plat submittal.

Chris Waters appeared on behalf of Barbara Bender on the major lot line revision. Mr. Waters gave a history of the project to date. Commissioner Hughes asked for public comments; none was offered.

Commissioner Boicourt moved to grant preliminary/final approval for a major revision plat to Barbara Bender, Matthewstown Road, with staff conditions being complied with; seconded by Commissioner Sullivan. The motion carried unanimously.

- c. Amendment of the Talbot County Solid Waste Plan—Recommendation to County Council—Section 9-1703(B)(12) of the Environment Article, Annotated Code of Maryland—Ray Clarke

The General Assembly adopted two laws. One of the laws is for the counties to achieve a goal of 20% recycling by apartment complexes. All of the apartments that are affected by this are in the Town of Easton, Trappe and St. Michaels. There will be no impact to County apartments. The County's current goal is to recycle at least 15% and we will need to increase to 20%. We are currently achieving 35%.

Commissioner Hughes asked if the County even has apartment buildings of 10 units or greater? Mr. Clarke stated it did not. The County plan is an umbrella plan for other jurisdictions as well. Commissioner Hughes asked about the tipping fees increase, how has that affected illegal dumping. Mr. Clarke stated he is not aware of any impacts on illicit dumping.

Commissioner Sullivan moved to table the recommendation to the County Council for the *Solid Waste Plan* until the Council introduces the amendment; seconded by Commissioner Boicourt. The motion carried unanimously.

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194 **5. Discussions Items**  
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196 a. Village Growth and Sewer Policy Public Meetings  
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198 Martin Sokolich updated the Commission on the recent village meetings. Some of  
199 the recent items discussed were the extent of the expansions, who would be  
200 involved, and the time frame for the zoning amendments. There was an open floor  
201 for comments at all three meetings, and they were well attended. The comments  
202 were quite diverse. Staff will distribute to the Commission meeting summaries.  
203

204 Commissioner Fischer stated he attended two of the meetings. He noted that there  
205 appears to be much confusion about the new zoning categories and how they will  
206 affect properties. Commissioner Hughes stated he had a similar experience, this  
207 mistaken belief that if they keep the existing VC zoning their village will stay as it  
208 is. He expressed the need for additional public information efforts.  
209

210 b. Livestock on residential properties  
211

212 Mr. Ewing explained that this is an emerging issue and staff is receiving regular  
213 inquiries about regulation of farm type animals on residential properties. The  
214 previous code addressed chickens and limited the number. Now the code is silent  
215 on chickens on residential lots. Commissioner Hughes wants to get input from  
216 Mr. Spies and the Farm Bureau. Mr. Coyman stated that no decisions were needed  
217 today as staff would continue its research and return to the Commission with  
218 options.  
219

220 Staff will consult with state agencies and farm interests to help determine the  
221 options.  
222

223 c. Text Amendment §190-75. Piers and related boat facilities (community and  
224 private)—The text amendment recommendation about piers was not introduced  
225 by Council; it will be put back onto the schedule for introduction at a future  
226 Council meeting.  
227

228 **6. Staff Matters**  
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230 Comprehensive Plan—Mr. Sokolich explained the contents of the staff produced draft,  
231 which was distributed to the Planning Commission before the meeting. The draft must be  
232 reviewed by the Planning Commission, undergo the 60-day review by surrounding  
233 jurisdictions and state agencies, a public hearing and then be finalized and approved by  
234 the Commission. The plan then moves on to the County Council for review and action.  
235

236 The Commission discussed the process and determined:  
237

1. Several members desire to provide suggested amendments to the draft.
2. The suggested amendments will be distributed to the Commission and staff as soon as possible
3. If the Commission by consensus approves inserting the changes, staff will insert them and forward the draft discussion plan for the 60-day review.
4. The Commission scheduled three work sessions (June 25, 26 at 6 pm and July 3 following the regularly scheduled July Commission meeting).
5. The workshop meeting dates and public hearing dates will be published in the near future to avoid delays due to the notice requirements.
6. The Commission will work to complete its review of the draft, review the 60-day review comments and then move the plan on to the public hearing and transmittal to the County Council

## **7. Work Sessions**

## **8. Commission Matters**

## **9. Adjournment**—Commissioner Hughes adjourned the meeting at 11:02 a.m.

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